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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,392	12/15/2000	Joseph E. Augenbraun	WGATE5-14	8040

26291 7590 07/05/2005

MOSER, PATTERSON & SHERIDAN L.L.P.
595 SHREWSBURY AVE, STE 100
FIRST FLOOR
SHREWSBURY, NJ 07702

EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,392

Applicant(s)

AUGENBRAUN ET AL.

Examiner

Jason P. Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/8/2005 has been entered.

Claim Objections

2. Claims 29 and 28 on page 5 of the amendment dated 4/8/2005 are objected to because of the following informalities: The claims should be labeled 31 and 32, respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 16-26, 28 and 30-32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gordon et al. (U.S. Patent No. 6,208,335).

Referring to claim 16, Gordon discloses receiving, by a cable headend, a navigation command initiated from a remote control associated with a set top box (see Column 6, Lines 50-54), the navigation command including a requested direction (see Column 6, Lines 42-45) and being associated with a selected object on a video image (see Column 6, Lines 39-41), the video image having a plurality of frames corresponding to HTML frames in at least one web page (see Column 8, Lines 45-51), the frames being independently controllable sections in the web page (see Column 6, Lines 39-50), the video image being presented on a display device associated with the set top box (see set top box 136 and display device 140 in Figure 1 and an example video image in Figure 3), the selected object being within a first frame on the video image (see the video image in Figure 3 for containing four separate quadrants (frames) that each contains two objects that are selectable).

Gordon also discloses determining, by the cable headend, whether the selected object is located at an edge of the first frame in the requested direction (see Column 6, Lines 57-66 for requests to the video session manager including menu navigation commands and Column 6, Lines 39-50 for navigating through the various objects on the video image of Figure 3, therefore the video session manager inherently determines that an edge of a first frame is in the requested direction).

Gordon also discloses providing navigation on the display device (see Column 6, Lines 39-50), the navigation being in the requested direction from the selected object in

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the first frame to a same-frame object that is also in the first frame (note that in Figure 3 if Movie Types is currently selected and the viewer moves to New Releases, then this is within a first quadrant and therefore the same-frame object that is also in the first frame), when the selected object is not located at an edge of the first frame in the requested direction (the selected object would inherently not be located at an edge of the first frame in the requested direction, because if it was, the selected object would be moved to a second frame).

Gordon also discloses providing navigation on the display device (see Column 6, Lines 39-50), the navigation being in the requested direction from the selected object in the first frame to a different-frame object in a second frame (see Figure 3 for moving from Movie Types to Movies A-Z), when the selected object is located at an edge of the first frame in the requested direction (see Figure 3 for Movies A-Z being at the edge of Movie Types), the second frame being in the requested direction from the first frame (see Figure 3 for the first frame being in the selected direction from Movies Types to Movies A-Z). The examiner notes that New Releases and Movie Types constitute a first frame and Movies A-Z and The Stars constitute a second frame.

Referring to claim 17, Gordon discloses determining that the selected object is located at the edge of the first frame is performed by a directional guide mapping application in the cable headend (see information server 108 in Figure 1 and Column 5, Lines 37-41).

Referring to claim 18, Gordon discloses the directional guide mapping application is for generating direction guide maps (see Column 8, Lines 39-53) and for comparing

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the requested direction to an edge of frame indication associated with the selected object in the directional guide maps (see Column 6, Lines 39-54).

Referring to claim 19, Gordon discloses that the selected object is located at the edge of the first frame, if the requested direction matches the edge of frame indication (see Column 6, Lines 39-54).

Referring to claim 20, Gordon discloses that the second frame is determined by a browser processing controller in the cable headend by searching the directional guide maps to locate a particular directional guide map that is adjacent to the first frame in the request direction from the selected object (see Column 6, Lines 57-66 and video session manager 122 in Figure 1).

Referring to claim 21, Gordon discloses that the browser processing controller determines the particular directional guide map based on a comparison of geometries of the first frame and the second frame (see Figure 3 for the frames being drawn adjacent to one another, therefore the browser references a directional guide map that instructs the browser to move from frames adjacent to one another when the viewer selects movement from a first frame to a second frame).

Referring to claim 22, Gordon discloses that the directional guide maps are linked in an order corresponding to each web page (see Figures 3 and 4 for two different web pages that are inherently linked to there corresponding directional guide map or else when a user navigates through each web page, the viewer will not be directed to the proper areas of the web page).

Referring to claim 23, Gordon discloses that the different frame object is the object in the second frame that is closet to the selected object in the first frame (see Figure 3 for the Movie Types object in the first frame being adjacent to the Movies A-Z object in the second frame).

Referring to claim 24, see the rejection of claim 16 and note that Gordon further discloses a browser application (video session manager 122 in Figure 1 and GUI in Figure 3), directional guide mapping application (information server 108 in Figure 1 which generates the navigator applet), a cable headend for receiving and transmitting video programming and Internet-based information including the at least one web page (see elements 108, 122, 128 in Figure 1), the cable headend including the browser application and the directional guide mapping application (see elements 1008 and 122, which are part of the headend), a plurality of set top boxes for receiving the video programming and Internet-based information (see elements 106(1) through 106(n)) and a cable distribution network for linking the cable headend to the set top boxes (see cable transport system 104 in Figure 1).

Referring to claim 25, Gordon further discloses that the set top box further comprises a decoder for decoding the video programming and Internet-based information (see decoder 206 in Figure 2).

Gordon also discloses a navigation application for requesting information and controlling navigation by sending command to the cable headend (see command receiver 210 in Figure 2).

Referring to claim 26, Gordon discloses a keyboard lined to at least one set top box for requesting navigation on the video display through the navigation application (see keyboard 138 in Figure 1).

Referring to claim 28, see the rejection of claim 26.

Referring to claim 30, Gordon discloses a RAM 220 in Figure 2.

Referring to claim 31, Gordon discloses a memory 126 in the video session manager 122 in Figure 1.

Referring to claim 32, Gordon discloses a display device 140 in Figure 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (U.S. Patent No. 6,208,335) in view of Goodman et al. (U.S. Patent No. 6,100,875).

Referring to claim 5, Gordon discloses a keyboard in Figure 1 (see element 138).

Gordon fails to teach converting a keyboard command into a mouse cursor movement control command, as recited in claim 27.

Goodman discloses a keyboard that allows a user to press a key that cause the keyboard to emulate a mouse's cursor movements (see Column 2, Lines 1-8).

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At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the keyboard (element 30 in Figure 2), as taught by Kamada, using the keyboard w/ mouse emulation, as taught by Goodman, for the purpose of allowing a user to perform mouse-like operations without the necessity of a flat, steady surface (see Column 1, Lines 56-62 of Goodman) and also eliminate the need for an extra device (an actual mouse), which would provide an extra port to the user for connecting another external device.

Referring to claim 29, see the rejection of claim 27.

Conclusion

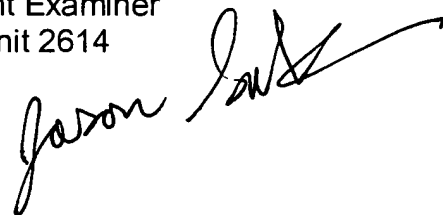
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce
Patent Examiner
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A handwritten signature in black ink, appearing to read "Jason Salce", with a long, sweeping horizontal stroke extending to the right.

June 28, 2005